

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Confirmation No. 3314  
Gerald Cagle et al. : Group Art Unit: 1618  
Application No. 10/715,055 : Examiner: Fay, Zohreh A.  
Filed: November 17, 2003 : Atty Dkt No.: 007109.00001  
For: METHOD OF TREATING :  
OPHTHALMIC INFECTIONS WITH :  
MOXIFLOXACIN COMPOSITIONS :  
:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Customer Service Window  
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Alexandria, VA 22314

Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56 and 1.97-1.98, the document listed on the attached PTO form PTO/SB/08a is being brought to the attention of the Examiner. The Examiner is requested to initial the space adjacent each document's entry on the forms and to return a copy of the initialed forms to confirm that the documents have been considered and have been officially made of record in this application.

Applicants' Information Disclosure Statement filed May 31, 2008 cited Defendant Teva's post-trial briefs from the litigation *Bayer Healthcare AG, Alcon, Inc. and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 06-234 (SLR), involving the parent '830 patent. The present submission cites Plaintiffs' post-trial brief on validity, which includes arguments in favor of validity of the claims in the '830 patent. A copy of Exhibit A of the

Plaintiffs' post-trial brief (Expert Report of Ashim K. Mitra, Ph.D.) was previously submitted in  
Applicants' Information Disclosure Statement filed May 8, 2008.

The Examiner is invited to telephone the undersigned at the number listed below if doing  
so would be helpful to resolve any outstanding issues.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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